

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Retha Peirce,) C/A No.: 4:14-cv-02927-BHH
Plaintiff,)
vs.) ORDER AND OPINION
Donnell Thompson, Earline Evans Woods,)
Tracy Edge,)
Defendants.)

This matter is before the Court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina. On March 23, 2016, the Magistrate Judge issued a Report and Recommendation ("Report") recommending that Defendant Earline Evans Woods' ("Woods") motion for summary judgment be granted and all claims against Woods be dismissed. (ECF No. 74.) The Magistrate Judge further recommended that Defendants Donnell Thompson and Tracy Edge be dismissed for lack of service if Plaintiff did not show, within the time allowed for filing objections, proof of service on these Defendants or good cause for why service has not been made. (ECF No. 74.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with

instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made.

After the Magistrate Judge issued his Report, the Court granted Plaintiff's motion to withdraw William Gary White, III, as Plaintiff's attorney. (ECF No. 87.) The Court then granted Plaintiff an extension of time to file a response to the Report. (ECF No. 89.) Plaintiff filed no objections and the time for doing so expired on May 18, 2016. In the absence of objections to the Magistrate Judge's Report, this Court is not required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 and advisory committee's note).

Here, because no objections have been filed, the Court has reviewed the Magistrate Judge's findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge that Woods is entitled to summary judgment and the claims against her should be dismissed with prejudice. As for the two remaining defendants, Donnell Thompson and Tracy Edge, the Court agrees that they should be dismissed from this case for lack of service and dismisses the claims against them without prejudice. Accordingly, the Report and Recommendation is adopted and incorporated herein by reference and this action is DISMISSED in its entirety.

IT IS SO ORDERED.

s/Bruce Howe Hendricks
United States District Judge

May 26, 2016
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.